

**REMARKS/ARGUMENTS**

Claims 12-25 are canceled herein this response. Claims 40-52 are added. No additional claims fees should be due. Claims 26-28, 31-15, and 38-39 are amended.

1. In the above referenced Office Action:

a. Claims 12-14, 18, 26-28, 34 and 35 have been rejected under 35 USC § 103 (a) as being unpatentable over Simmons (U.S. Pub. No. 2001/0039659) in view of Bonomi (U.S. Patent No. 6,769,127) in view of Tsao (U.S. Pub. No. 2003/0079016) in view of Riesman (U.S. Pub. No. 2003/0229900) in view of Reininger (U.S. Patent No. 6,404,738) in view of Vitikainen (U.S. Pub. No. 2003/0065802);

b. Claim 33 has been rejected under 35 USC § 103 (a) as being unpatentable over Simmons (U.S. Pub. No. 2001/0039659) in view of Bonomi (U.S. Patent No. 6,769,127) in view of Tsao (U.S. Pub. No. 2003/0079016) in view of Riesman (U.S. Pub. No. 2003/0229900) in view of Reininger (U.S. Patent No. 6,404,738) in view of Vitikainen (U.S. Pub. No. 2003/0065802) in view of Bridgelall (U.S. Patent No. 6,895,255);

c. Claims 15, 16, 29 and 30 have been rejected under 35 USC § 103 (a) as being unpatentable over Simmons (U.S. Pub. No. 2001/0039659) in view of Bonomi (U.S. Patent No. 6,769,127) in view of Tsao (U.S. Pub. No. 2003/0079016) in view of Riesman (U.S. Pub. No. 2003/0229900) in view of Reininger (U.S. Patent No. 6,404,738) in view of Vitikainen (U.S. Pub. No. 2003/0065802) in view of Gerszberg (U.S. Patent No. 6,452,923) in view of Kim (U.S. Pub. No.2002/0082057);

d. Claims 17, 19-23, 25, 31, and 37 have been rejected under 35 USC § 103 (a) as being unpatentable over Simmons (U.S. Pub. No. 2001/0039659) in view of Bonomi (U.S. Patent No. 6,769,127) in view of Tsao (U.S. Pub. No. 2003/0079016) in view of Riesman (U.S. Pub. No. 2003/0229900) in view of

Reininger (U.S. Patent No. 6,404,738) in view of Vitikainen (U.S. Pub. No. 2003/0065802) in view of Rudd (U.S. Pre-Grant Pub. No.2002/0152173);

e. Claims 24 and 32 have been rejected under 35 USC § 103 (a) as being unpatentable over Simmons (U.S. Pub. No. 2001/0039659) in view of Bonomi (U.S. Patent No. 6,769,127) in view of Tsao (U.S. Pub. No. 2003/0079016) in view of Riesman (U.S. Pub. No. 2003/0229900) in view of Reininger (U.S. Patent No. 6,404,738) in view of Vitikainen (U.S. Pub. No. 2003/0065802) in view of Greaves (U.S. Patent No.6,185,688);

f. Claim 36 has been rejected under 35 USC § 103 (a) as being unpatentable over Simmons (U.S. Pub. No. 2001/0039659) in view of Bonomi (U.S. Patent No. 6,769,127) in view of Tsao (U.S. Pub. No. 2003/0079016) in view of Riesman (U.S. Pub. No. 2003/0229900) in view of Reininger (U.S. Patent No. 6,404,738) in view of Vitikainen (U.S. Pub. No. 2003/0065802) in view of Iverson (U.S. Patent No.6,052,379);

g. Claim 38 has been rejected under 35 USC § 103 (a) as being unpatentable over Simmons (U.S. Pub. No. 2001/0039659) in view of Bonomi (U.S. Patent No. 6,769,127) in view of Tsao (U.S. Pub. No. 2003/0079016) in view of Riesman (U.S. Pub. No. 2003/0229900) in view of Reininger (U.S. Patent No. 6,404,738) in view of Vitikainen (U.S. Pub. No. 2003/0065802) in view of Mangold (U.S. Patent No.6,668,324);

h. Claim 39 has been rejected under 35 USC § 103 (a) as being unpatentable over Simmons (U.S. Pub. No. 2001/0039659) in view of Bonomi (U.S. Patent No. 6,769,127) in view of Tsao (U.S. Pub. No. 2003/0079016) in view of Riesman (U.S. Pub. No. 2003/0229900) in view of Reininger (U.S. Patent No. 6,404,738) in view of Vitikainen (U.S. Pub. No. 2003/0065802) in view of Ananda (U.S. Patent No.6,931,549);

2. Claims 12-14, 18, 26-28, 34 and 35 have been rejected under 35 USC § 103 (a) as being unpatentable over Simmons (U.S. Pub. No. 2001/0039659) in view of Bonomi (U.S. Patent No. 6,769,127) in view of Tsao (U.S. Pub. No. 2003/0079016) in view of Riesman (U.S. Pub. No. 2003/0229900) in view of Reininger (U.S. Patent No. 6,404,738) in view of Vitikainen (U.S. Pub. No. 2003/0065802). The applicant respectfully disagrees with this rejection and the reasoning thereof.

Simmons, as the primary reference for the multiple grounds of rejection, is cited for teaching a two part media system having various elements alleged to be similar to those that are claimed. A careful review of Simmons, however, would be helpful.

Simmons teaches, referring to FIG. 1 as an example, a transaction server 10 that is coupled to the Internet which is also used to deliver content from any one of a plurality of content provider sites to any one of a plurality of home user sites. Thus, the content provider site and the home user site are treated in the official action as satisfying the two part NAS system that the independent claims requires.

Claims 12-25 have been canceled and have been replaced by new claims 40-52. The new claims are intended to cover similar subject matter by to approach the claimed invention in a manner that may be more clear or helpful. In particular, claim 40 requires a NAS system that includes:

*first and second NAS system blocks that communicate over a local network that further comprises at least one of a local area network and a wireless local area network; and*

*wherein the first block of the NAS system:*

*receives media content at a first data rate and stores the received media content;*

*determines end-to-end quality of service for playback of the audiovisual programming by evaluating a content source, a transmission media, end device playback technology and media type;*

*determines to produce encrypted media at a second data rate to a second block of the NAS system wherein the second data rate is based upon the determined end-to-end quality of service for playback; and*

*produces the encrypted media at the second data rate to the second block of the NAS system over one of a local area network or a wireless local area network.*

The NAS system of claim 40, in comparison to Simmons, fits within any one of the home user sites of Simmons. Thus, a content provider site produces media content to a home user site (probably using a common encryption technique with a shared encryption key). Simmons is silent, however, about what occurs within the home user site. The claims of the present invention are directed to the home user site. The communications between the first and second blocks of the NAS system occur within the home user site of Simmons. The first and second blocks of the NAS system are within the home user site of Simmons. The references herein to a proprietary encryption are references to encryption that occurs for transmissions within the home user site.

Claims 41-52 are dependent upon claim 40 and introduce additional patentable subject matter. The applicant believes that the reasons that distinguish claim 40 over the present rejection are applicable in distinguishing claims 41-52 over the same rejection.

Similarly, claim 26 is amended to have similar limitations though claim 26 is a method claim. Accordingly, the applicant believes that claim 26 is allowable for reasons similar to claim 40. Thus, the dependent claims 27-39 that depend from claim 26 are believed to be allowable since they depend upon an allowable claim.

Based upon the amendments to claim 26 and the similar construction of new claim 40, the applicant believes that the grounds of rejection are rendered moot since each ground of rejection depends upon Simmons as a primary references.

Regarding the teachings of Bonomi, Bonomi teaches (referring, for example to FIG. 3A, a video system that stores and transmits video to client machines by way of media delivery hardware. Bonomi does not teach a decryption module, a decoding module coupled to receive decrypted content from the decryption module, or a QoS module that transmits according to a determined QoS within the local or home network as various claim elements require.

Regarding the teachings Tsao, Tsao generally teaches a plurality of NAS Servers coupled to a multi-port switch or the equivalent for communicating content to a plurality of clients and a management controller for controlling such operations. Thus, Tsao does not add any teachings the deficiencies of Bonomi described above.

Reininger teaches dynamic bandwidth allocation and Vitikainen teaches dynamically creating a sample of multimedia content for preview by a user of a mobile terminal. These references do not provide teachings that overcome the shortcomings of Simmons and Bonomi.

3. Claim 33 has been rejected under 35 USC § 103 (a) as being unpatentable over Simmons (U.S. Pub. No. 2001/0039659) in view of Bonomi (U.S. Patent No. 6,769,127) in view of Tsao (U.S. Pub. No. 2003/0079016) in view of Riesman (U.S. Pub. No. 2003/0229900) in view of Reininger (U.S. Patent No. 6,404,738) in view of Vitikainen (U.S. Pub. No. 2003/0065802) in view of Bridgelall (U.S. Patent No. 6,895,255). The applicant respectfully disagrees with this rejection and the reasoning thereof.

Claim 33 depends upon amended claim 26. For the reasons urged above, Simmons and Bonomi do not teach the claim elements of amended claim 26. Moreover, because base claim 26 has been amended, these grounds of rejection are moot.

4. Claims 15, 16, 29 and 30 have been rejected under 35 USC § 103 (a) as being unpatentable over Simmons (U.S. Pub. No. 2001/0039659) in view of Bonomi (U.S. Patent No. 6,769,127) in view of Tsao (U.S. Pub. No. 2003/0079016) in view of Riesman

(U.S. Pub. No. 2003/0229900) in view of Reininger (U.S. Patent No. 6,404,738) in view of Vitikainen (U.S. Pub. No. 2003/0065802) in view of Gerszberg (U.S. Patent No. 6,452,923) in view of Kim (U.S. Pub. No.2002/0082057).The applicant respectfully disagrees with this rejection and the reasoning thereof.

Claims 15 and 16 have been canceled. Claims 29 and 30 depend upon amended claim 26 are believed, therefore, to be allowable for reasons urged above.

5. Claims 17, 19-23, 25, 31, and 37 have been rejected under 35 USC § 103 (a) as being unpatentable over Simmons (U.S. Pub. No. 2001/0039659) in view of Bonomi (U.S. Patent No. 6,769,127) in view of Tsao (U.S. Pub. No. 2003/0079016) in view of Riesman (U.S. Pub. No. 2003/0229900) in view of Reininger (U.S. Patent No. 6,404,738) in view of Vitikainen (U.S. Pub. No. 2003/0065802) in view of Rudd (U.S. Pre-Grant Pub. No.2002/0152173).The applicant respectfully disagrees with this rejection and the reasoning thereof.

Claims 17, 19-23 and 25 have been canceled. Claims 31 and 37 depend upon amended claim 26 are believed, therefore, to be allowable for reasons previously urged above.

6. Claims 24 and 32 have been rejected under 35 USC § 103 (a) as being unpatentable over Simmons (U.S. Pub. No. 2001/0039659) in view of Bonomi (U.S. Patent No. 6,769,127) in view of Tsao (U.S. Pub. No. 2003/0079016) in view of Riesman (U.S. Pub. No. 2003/0229900) in view of Reininger (U.S. Patent No. 6,404,738) in view of Vitikainen (U.S. Pub. No. 2003/0065802) in view of Greaves (U.S. Patent No.6,185,688); The applicant respectfully disagrees with this rejection and the reasoning thereof.

Claim 24 has been canceled. Claim 32 depends upon amended claim 26 and is believed, therefore, to be allowable for reasons previously urged above.

7. Claim 36 has been rejected under 35 USC § 103 (a) as being unpatentable over Simmons (U.S. Pub. No. 2001/0039659) in view of Bonomi (U.S. Patent No. 6,769,127)

in view of Tsao (U.S. Pub. No. 2003/0079016) in view of Riesman (U.S. Pub. No. 2003/0229900) in view of Reininger (U.S. Patent No. 6,404,738) in view of Vitikainen (U.S. Pub. No. 2003/0065802) in view of Iverson (U.S. Patent No. 6,052,379). The applicant respectfully disagrees with this rejection and the reasoning thereof.

Claim 36 depends upon amended claim 26 are believed, therefore, to be allowable for reasons previously urged above.

8. Claim 38 has been rejected under 35 USC § 103 (a) as being unpatentable over Simmons (U.S. Pub. No. 2001/0039659) in view of Bonomi (U.S. Patent No. 6,769,127) in view of Tsao (U.S. Pub. No. 2003/0079016) in view of Riesman (U.S. Pub. No. 2003/0229900) in view of Reininger (U.S. Patent No. 6,404,738) in view of Vitikainen (U.S. Pub. No. 2003/0065802) in view of Mangold (U.S. Patent No. 6,668,324). The applicant respectfully disagrees with this rejection and the reasoning thereof.

Claim 38 depends upon amended claim 26 are believed, therefore, to be allowable for reasons previously urged above.

9. Claim 39 has been rejected under 35 USC § 103 (a) as being unpatentable over Simmons (U.S. Pub. No. 2001/0039659) in view of Bonomi (U.S. Patent No. 6,769,127) in view of Tsao (U.S. Pub. No. 2003/0079016) in view of Riesman (U.S. Pub. No. 2003/0229900) in view of Reininger (U.S. Patent No. 6,404,738) in view of Vitikainen (U.S. Pub. No. 2003/0065802) in view of Ananda (U.S. Patent No. 6,931,549). The applicant respectfully disagrees with this rejection and the reasoning thereof.

Claim 39 depends upon amended claim 26 are believed, therefore, to be allowable for reasons previously urged above.

## CONCLUSION

For the foregoing reasons, the applicant believes that claims 26-52 are in condition for allowance and respectfully request that they be passed to allowance.

The Applicant hereby rescinds any disclaimer of claim scope made in the parent application or any predecessor application in relation to the instant application. The Examiner is advised that any such previous disclaimer and the prior art that it was made to avoid, may need to be revisited. Further, the claims in the instant application may be broader than those of a parent application. Moreover, the Examiner should also be advised that any disclaimer made in the instant application should not be read into or against the parent application.

No additional fees are believed to be due. In the event that additional fees are due or a credit for an overpayment is due, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Garlick Harrison & Markison Deposit Account No. 50-2126.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present invention.

**RESPECTFULLY SUBMITTED,**

By: /Bruce E. Garlick/ Reg. No. 36,520

Bruce E. Garlick

Garlick Harrison & Markison

P. O. Box 160727

Austin, TX 78716-0727

Phone: (512) 264-8816

Fax: (512) 264-3735

email: bgarlick@texaspatents.com